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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,595	11/28/2003	Kurt B. Holmgren		9056

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EXAMINER

BIDWELL, JAMES R

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,595

Applicant(s)

HOLMGREN, KURT B.

Examiner

James R Bidwell

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 67-104 is/are allowed.
- 6) ☒ Claim(s) 1-10, 13, 14, 24, 29-31, 36-40, 43, 53, 58-60, 65 and 66 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 15-23, 25-28, 32-35, 41, 42, 44-52, 54-57 and 61-64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/28/2003
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 3651

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification contains no description of the invention being used with only a single positioning arm as set forth in claims 1-8.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the single positioning arm of claims 1-8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

Art Unit: 3651

of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7-10, 13, 14, 24, 29-31, 36-40, 43, 53, 58-60, 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rollinger (U.S. Patent 4,054,201) in view of Japanese Patent 2-144321.

Rollinger shows a positioning arm 28 for reducing a baggage stream width, which uses a vertical belt 24. Not disclosed is the belt as being bi-directional. Shown by the Japanese Patent in Figures 5 and 6 is a belt 4 for reducing a stream width which is reversible. To include such a reversible feature on Rollinger would have been obvious to one of ordinary skill in the art as it might help to prevent jams. As the belt is reversible there are control input means used to control which direction the belt is run in.

Re claim 4, the belt 28 can be considered to pivot about it's end pulleys as is broadly claimed.

Re claim 7, on or off can be considered variable speed.

Art Unit: 3651

Re claim 8, variable frequency drives are common and well known in the art of conveyors.

Re claim 9, Rollinger shows a pair of arms 28 and 30 and they would be separated based on the width of stream desired.

Re claim 10, the belts on the arms may be turned on and off by a controller.

Re claims 13 and 14, position sensors at infeed ends of conveyors are well known and conventional in the art of conveyors.

Re claim 24, horizontal belt 18 may be visually monitored.

Re claims 29-31, sensors typically sense a leading edge.

Re claims 36 and 37, as per claims 7 and 8, respectively.

Re claim 38, the horizontal conveyor 18 and arms 28, 30 have support structure.

Re claim 39, a position sensor in general is well known and conventional to include.

Re claim 40, as per claim 10 rejection.

Re claim 43, as per claim 29 rejection.

Re claim 53, as per claim 24 rejection.

Re claims 58-60, as per claims 29-31 rejection.

Re claim 65, as per claim 7 rejection.

Re claim 66, as per claim 8 rejection.

Claims 11, 12, 15-23, 25-28, 32-35, 41, 42, 44-52, 54-57 and 61-64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3651

Claims 67-104 allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to James R Bidwell at telephone number (703)308-1144.

JRB

01-25-2005

James R. Bidwell
JAMES R. BIDWELL
PRIMARY EXAMINER
GROUP 3651
1/25/05